

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER A. HATCHER,

Defendant.

8:21CR82**ORDER**

This matter is before the Court on defendant Christopher A. Hatcher's ("Hatcher") *pro se* emergency motion (Filing No. 80) for the Court to intervene and expedite the sentence reduction that he says the Federal Bureau of Prisons ("BOP") has initiated on his behalf due to his terminal cancer. *See* 18 U.S.C. § 3582(c)(1)(A). According to Hatcher, the BOP is considering him for a reduction in sentence through its administrative process, but he is concerned that ongoing process will take too long given his dire medical situation. He asks the "Court to intervene to speed up this process" or, alternatively, "to appoint counsel in the interest of justice" to assist him in obtaining his expedited release.

On November 1, 2023, the Court entered General Order No. 2023-09 (Filing No. 78) in Hatcher's case and appointed the Federal Public Defender for the District of Nebraska to represent him with respect to a potential sentence reduction based on Amendment 821 to the United States Sentencing Guidelines. In light of Hatcher's report of terminal illness, the Court will expand that representation to include matters related to Hatcher's request for compassionate release pursuant to § 3582(c)(1)(A) and will order a preliminary investigation. *See United States v. Rodriguez-Mendez*, 65 F.4th 1000, 1001 (8th Cir. 2023) (noting a motion to reduce a sentence under § 3582(c)(1)(A) is "commonly known as a motion for compassionate release"). Hatcher's counsel and the government will weigh in on Hatcher's request after the investigation is complete.

Based on the foregoing,

IT IS ORDERED:

1. The appointment of the Federal Public Defender for the District of Nebraska in this matter is expanded to include the limited purpose of determining whether there are extraordinary and compelling reasons to reduce Hatcher's term of imprisonment based on his terminal illness.
2. In the event the Federal Public Defender should decline this expanded appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender should conclude that Hatcher's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is directed to investigate Hatcher's compassionate-release request and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Hatcher's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Hatcher's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Hatcher's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 28th day of November 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge